



GOVERNMENT OF PUERTO RICO

Puerto Rico Highway and Transportation Authority

DBE POLICY

The Puerto Rico Highway and Transportation Authority of the Commonwealth of Puerto Rico (PRHTA) acting through the Secretary of Transportation, hereby expresses its commitment to support the policy of providing the fullest possible participation of firms owned and controlled by socially and economically disadvantaged individuals in programs and projects receiving federal assistance under the DOT programs. It is the policy of the PRHTA that no person shall be excluded from participation, denied the benefits of, or otherwise discriminated against in relation with the award and performance of any contract covered by this Program, on the grounds of race, color, sex, or national origin. In this regard, the PRHTA is committed to a program of providing equal opportunity and affirmative action to disadvantaged business enterprises and small businesses as defined under DOT's Regulation. Implementation of the DBE Program by the PRHTA is a legal obligation and failure to carry out its terms shall be treated as a violation whereby sanctions may be imposed as provided under 49 CFR Part 26. In administering the DBE Program, the PRHTA shall not use criteria or methods that would have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

The PRHTA DBE Policy Statement will be circulated through the Department among its personnel in the different levels of supervision as well as local governmental units, business organizations, the DBE and non-DBE business communities that perform work for us on DOT-assisted contracts and to the general public. This Policy Statement shall be published through the appropriate media and fully incorporated into the procurement process. From time to time PRHTA shall receive interpretations from USDOT, which shall be binding on PRHTA, sub-recipients, and contractors.

The purpose of the program is to implement the provision of 49 CFR Part 26, other pertinent regulations, and source legislation. These objectives are:

- a. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts in the USDOT's highway, transit, and airport financial assistance programs;
- b. To create a level playing field on which DBEs and other small businesses can compete fairly for USDOT- assisted contracts;
- c. To ensure that USDOT's DBE program is narrowly tailored in accordance with applicable law;



- d. To ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs;
- e. To help remove barriers to the participation of DBEs and other small businesses in USDOT-assisted contracts;
- f. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.
- g. To assist the development of firms that can compete successfully in the marketplace outside the DBE program,
- h. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs and other small businesses.

The PRHTA shall work to establish a level playing field for DBE contractors to compete for federally assisted highway construction and transportation projects as prime contractors, subcontractors and consultants. It is intended to provide opportunities to DBEs so they can graduate from the DBE program and perform as prime or as subcontractors without DBE program assistance.

Ms. Yomarie Pacheco Sánchez, Esq., Director of Civil Rights Office has been delegated as the DBE Liaison Officer. In this capacity Ms. Pacheco or her designee is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the PRHTA in its financial assistance agreements with the Department of Transportation.

As Secretary of the DTPW and Executive Director of the Puerto Rico Highway and Transportation Authority, I have distributed this Policy Statement to DBE and non-DBEs business communities that perform work for us on DOT-assisted contracts, through the general media to the public, and to all department key personnel and bureaus.



Carlos A. Contreras Aponte, PE, PTOE
Secretary of the DTPW / Executive Director
Puerto Rico Highway and Transportation Authority

29-Abril-2017

Date